

Appl. No. 10/077,986
Amdt. dated Sept. 9, 2003
Reply to Office Action of April 9, 2003

REMARKS

Reconsideration of this application is respectfully requested.

Claims 11 through 18 are pending in the application with claims 1 through 10 and 19 having been canceled and claims 11, 13, and 15 having been amended.

Claims 1-6, 10, 11, 13-15, and 19 have been rejected under 35 U.S.C. 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Ona et al. (U.S. Patent No. 6,416,558).

Claims 1-10 have been rejected under 35 U.S.C. 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Sumida et al. (U.S. Patent No. 4,252,933). Claims 1 through 10 have been canceled, therefore this rejection is moot.

Claims 7-9, 12, and 16-18 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Ona et al. (U.S. Patent No. 6,416,558).

Ona et al. disclose a water based fiber treatment agent and fiber treatment method that are said to impart to treated fibers a perfect smoothness, lubricity, reduced tackiness, and pleasant tactile sensations. The water based fiber treatment agent contains a silicone oil emulsion of crosslinked silicone particles with an average diameter of 0.01 to 100 μm which are in silicone oil drops having an average diameter of 0.05 to 500 μm , and then the silicone oil drops are dispersed in water. The diameter of the crosslinked silicone particles is smaller than the diameter of the silicone oil drops.

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As amended, the present claims require the use of an aqueous emulsion of a cross-linker of the formula:



wherein Z^1 and Z^2 are independently selected from the group consisting of hydrogen and alkyl groups of from 1 to 4 carbon atoms; y is from 1 to about 1000; z is from 0 to about 2000; the sum of y and z is from 1 to about 3000; and R^7 , R^8 , and R^9 are independently selected from the group consisting of alkyl groups of from 1 to 4 carbon atoms. Ona et al. do not disclose or suggest such a cross-linker. Their cross-linking agent has a hydrolyzable group such as an aminoxy, an acetoxy group, an oxime group, or an alkoxy group, *bonded to at least three silicon atoms in its molecule*, (See column 5, lines 19-22), which does not read on the above formula. Further, the only cross-linking agents specifically mentioned by Ona et al. are methyltrimethoxysilane, vinyltrimethoxysilane, methyltrioximosilane, and vinyltrimethoxysilane (See column 5, lines 52-55). Clearly, one skilled in the art would not be led to the composition employed in the claimed method of the present invention by the teaching of Ona et al.

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In view of the foregoing, it is submitted that this application is now in condition for allowance and an early Office Action to that end is earnestly solicited.

Respectfully submitted,

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Date

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